

Appl. No. 10/648,138
Amdt. dated January 13, 2006
Reply to Office Action of 10/31/05

PATENT

REMARKS/ARGUMENTS

Claims 7-19 are pending in the application. Claims 1-6 have been canceled. Claims 7-10 have been rejected. Claims 11-19 have been added.

Specification

The title of the invention was objected to as allegedly being non-descriptive. To expedite prosecution Applicant has replaced the title "ASEPTIC EYEDROPPER AND METHOD FOR ITS USE" with the title "ASEPTIC EYEDROPPER DISPENSING ATTACHMENT AND METHOD FOR USE".

Double Patenting

Claims 7-10 were provisionally rejected under the judicially created doctrine of double patenting over claims 12-15 of copending Application No. 11/099,322. Applicant will file a terminal disclaimer after the Examiner determines the claims in the present application are allowable.

Rejections under 35 USC § 102

Claims 7-10 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Recanati (USPN 6,736,802; hereinafter 'Recanati'). This rejection is traversed in part and overcome in part.

CLAIM 7

Applicant has amended claim 7 to expedite prosecution. Amended claim 7 recites laterally channeling the drop toward a structure comprising a recess and falling the drop within the recess toward the eye of the patient. Falling the drop within the recess has the advantage of preventing contamination of drops which are upstream of the recess. Applicant fails to see where Recanati or any of the references cited by the Examiner shows a drop falling within a recess as recited in claim 7. Thus, claim 7 is patentable over the cited references.

CLAIMS 8-14

Claims 8-14 depend on claim 7 and are allowable as depending on an allowable claim and reciting additional novel combinations of claim elements.

CLAIM 15

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Independent claim 15 is allowable for reasons similar to those set forth with regard to claim 7.

CLAIMS 16-19

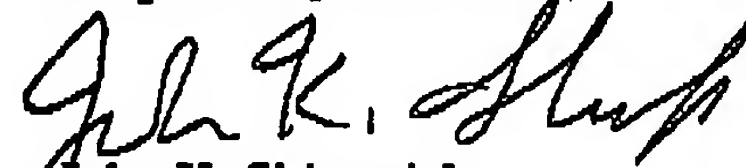
Claims 16-19 depend on claim 15 and are allowable as depending on an allowable claim and reciting additional novel combinations of claim elements.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


John K. Shimmick
Reg. No. 44,335

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
JKS:snb
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